2700
AF / ~~2188~~

#14
Pay
3404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **SASAKI, Tsutomu et al.**

Group Art Unit: **2188**

Serial No.: **09/745,303**

Examiner: **Kevin L. ELLIS**

Filed: **December 26, 2000**

P.T.O. Confirmation No.: 2061

For: **DATA REPRODUCTION DEVICE**

RESPONSE UNDER 37 CFR §1.116
- EXPEDITED RESPONSE -
GROUP ART UNIT 2188

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 25, 2004

Sir:

In response to the Office Action dated **January 7, 2004**, Applicants respectfully request reconsideration of the 35 USC §103(a) rejection of claims 1-4 as unpatentable over **Robinson et al.** in view of **Kawasaki et al**.

In the response of August 27, 2003, it was noted, among other things:

> **Kawasaki et al.** teaches only one powered state, which occurs only when a predetermined space occurs in the buffer region by transferring data to the host. The other state in which the buffer is completely full of data to be transferred to the host, consumes no power.
>
> This is in contrast to the present invention, in which there are two power on states, where one is a high (active) mode for reading data from the memory card to the buffer at a high bit rate, and the other is a low (standby) mode in which the memory card waits for a next memory access while the buffer outputs data at a low rate.
>
> Neither of the prior art references teaches, mentions or suggests the relationship between the current consumption and the

> respective data transfer rates of the card and the buffer, as recited in claim 1 of the instant application.

In response to this, the Examiner has urged:

> As for applicants remarks regarding the two different bit rates, these rates are only different because the data being read out of the buffer memory is being read out intermittently. As taught by the specification, applicants memory is capable of providing data at 8 Mbps, the data being read out of the buffer is music data that needs to be accessed at 128 Kbps (see pages 6-7 of the specification). Obviously if data is read from a buffer for a storage device at a much slower rate then the data can be read from the storage device then the bit rates will be different.

Applicants respectfully disagree. Page 7, lines 1-3 of the specification state that when the memory card 8 is in the active mode, a predetermined amount of data is read from the memory card at a bit rate of 8 Mbps. Page 7, lines 7-9 disclose that, in the stand-by mode, the data read from the memory card 8 is temporarily stored in the buffer 2, and thereafter is read out from the buffer 2 at the bit rate of 128 Kbps.

These passages do not suggest that the data read out of the buffer in the stand-by mode is in intermittent bursts of 8 Mbps to result in an overall rate of 128 Kbps, as asserted by the Examiner. This is because the 8 Mbps rate relates to the output of the memory card 8 while the 128 Kbps rate relates to the output of the buffer 2. Thus, the Examiner's conclusion is based on a false assumption and is not well-taken.

Thus, the 35 USC §103(a) rejection should be reconsidered and withdrawn.

In view of the aforementioned remarks, claims 1-4 are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP

William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla
Atty. Docket No. **001715**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

23850
PATENT TRADEMARK OFFICE

H:\HOME\letitia\WLB\00\001715\amendment feb 2004